

FILED

MAR 21 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Jimmie Stephen, C56483
P.O. Box 8101
San Luis Obispo, CA 93409-8101

COURT of U.S. District
STATE of CALIFORNIA-NORTHERN

CASE # CU-07-6379
JW (PR)

JIMMIE STEPHEN
Plaintiff

v

Plaintiff REQUEST to "SUPPLEMENT" COMPLAINT under
FED #15

R. Hernandez
et al Defendants

"Ongoing" Retaliation Activities, DATED, Custom, Police.

1. SUD "McDonnell"
2. "COUNSELOR" OSHIRO
3. L. "Rude"
4. J. "McNeil"
5. WALTER "MARSHAL"

Plaintiff STEPHEN HEREBY REQUEST to "SUPPLEMENT" in CU-07-6379-JW under 28 USC, 1915 "IMMEDIATE DANGEROUS" EXISTING "ONGOING" RE "COMPLAINTS" "RETALIATION" at "TIME of filing" and TRANSFER to "CML" at 3-27-07..

Defendants "McDonnell" MARSHAL SUPERVISOR at "CML" under "WALTER" MARSHAL "JOHN" and "JANE DOE" EMPLOYEES ARE "JOHN J. SHELLEY" 482, US, 78, (1987). OTHERS ARE "WOLF V McDONNELL" 418, US, 539 (1969) SAME..

Responsible for "mailroom" Duties. Incoming under
 Turner "McDonnell" withheld Patten) of CMC at
 RT Donovon under "Hernandez" and "mailroom Supervisor"
 J. "McNeil" withheld "Withheld" "Legal mail" up to "139"
 Docs over "80 times" since 5-1-05 ongoing at CMC
 as to Plaintiff "Prison Legal News" NEWSPAPER. BODLET
 under "McDaniel" since 6-1-07. as "Patten".

All EMPLOYEES SUEB in individual and official capacity.
 "200" DIES Legal Documents DESTROYED on 9-29-06..

Count #2 - Counselor "Oshiro" of "CMC" ALLEGED on 6-14-07
 and 7-20-07 as to "60" Docs found in unit as to
 write-up of 8-9-05.. withheld APPEAL 2ND LEVEL
 withheld # ETD-3-05-01607 withheld.. withheld write-up
 of 8-9-05 DISMISSED of 11-28-05..

"60" Docs of 6-14-07 withheld for "2" years under
 withheld "Hernandez" Cota and "Munoz" as APPEAL COORDI-
 NATORS.. Plaintiff (Coke stolen) of SEIZURE by GUARDS 11-27-05
 "IMMEDIATE DANGER EXTENSION 28. USC. 1915..
 under "McNeil" and "Hernandez".

Count #3 - "L. Rude" of MEDICAL WARDEN at RT Donovon
 withheld with Hernandez DENIED SERIOUS MEDICAL OF
 PRESCRIBED "EYEGLASSES" as "Deliberate" "INDIFFERENCE"..
 since 10-5-04 as "Patten".

ON 9-29-06 Plaintiff "EYEGLASSES" withheld DESTROYED

by GUARDS as shown a pattern) to "Retaliate"
for "Access to Court" or "file complaints including
GRIEVANCES willfully..

AS GLASSES RECEIVED ON 4-17-07 AT CMC
FROM DONORUM INDIANE OF 7-29-06. UNDER WARRANT
"HEAR UNDER" WILLFULLY.. SHOWING "PATTERN".. FOR IMM-
IMMEDIATE DANGER EXTENSION" UNDER 28. USC. 1915..

AS ACTS OF RECEIVED "GLASSES" AT CMC OF 4-17-
07 BEING "WARRANT" MARSHAL" WHO JURISDICTION INTO
this Complaint..

"DELIBERATE INTENTIONAL" RECKLESS NEGLIGENCE..

"Retaliatory Practices as Pattern"..

AS ON "ENEMY LIST".

"Ashley D Milworth" 147, f3d, 715-17 (8th 1998) IMMEDIATE
DANGER EXTENSION SATISFIED WITH CONFIDENTIAL WITH OTHERS ON
ENEMY LIST..

AS CMC-UNDER "MARSHAL" HOUSES "OTHERS DEEMED A
"LEGAL THREAT" SERIOUS MEDICAL INCLUDING "A.I.D.S." & "TB" ETC.

AS PATTERN) OF RETALIATION EXISTED ON PLAINTIFF SINCE
1995 ORIGINALLY FOR "LEGAL COMPLAINT" ETC. ENDING.. 3-18-08..

"CARROLL D WEST" 320, f3d, 1235-46 (11th 2003) IMMEDIATE DANGER

TRUE DANGER FROM A PATTERN

DATE 3-18-08



EXHIBIT 1

INMATE/PAROLEE

APPEAL FORM

CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. _____

1. _____

2. _____

2. _____

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
JIMMIE STEPHEN	C56483	UA	A-1149

A. Describe Problem: ON OR ABOUT 10-1-07 I SENT VIA INSTITUTION MAIL ONE "LETTER TO CMC- MAILROOM" REQUESTING MY MD MAIL INFORMATION WHETHER RECEIVED MY "PRISON LEGAL NEWS" A SUBSCRIPTION NEWSLETTER.. AS HAVEN'T SEEN SINCE JUNE 2007.. AS PRISON LEGAL NEWS OF SEATTLE WASHINGTON STATE THEY ARE SENDING MY NEWSLETTER VIA U.S. MAIL.. AS ACCESS TO COURT HINDERED BY THIS ACT OF CENSORSHIP..

If you need more space, attach one additional sheet.

"BARRIS J SMITH" 430, US, 812 (1977)

B. Action Requested: ① Investigation into this matter as to my legal mail newsletter subscription..

Inmate/Parolee Signature: Jimmie StephenDate Submitted: 10-10-07C. INFORMAL LEVEL (Date Received: 10-17-07)

Staff Response: Granted, Several inmates are not receiving their prison legal news, we are working with the publisher to find the problem.

Staff Signature: M. DanielDate Returned to Inmate: 10-17-07

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____

Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number: _____



OCT 15 2007

JIMMIE STEPHEN

9
33



SEATTLE WA 981
Prison Legal News
2400 NW 80th St #148
Seattle, WA 98117



34719 ** BLUE 6 ** EXPIRES:12/15/2007
JIMMIE STEPHEN C56483
CALIFORNIA MENS COLONY STATE PRISON
PO Box 8101 A-1149
SAN LUIS OBISPO, CALIFORNIA 93409-8101



Dear *PLN* Subscriber:

We received your inquiry about a missing issue(s) of *PLN*. We have determined the most likely problem to be the following:

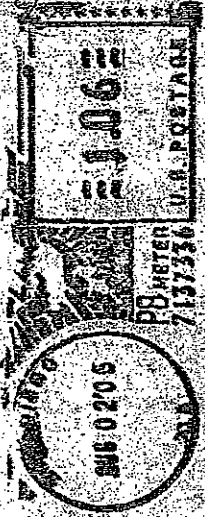
- ☐ We did not receive your address change in time.
- ☐ We did not receive your renewal in time.
- ☐ We did not have your current correct address.
- ☐ The issue had not been mailed yet at the time of your inquiry.
- ☐ It takes 4-6 weeks to receive the first issue of a new subscription or for a change to reflect on your label.
- ☒ You should be getting your subscription. If you are a prisoner check with the prison mailroom.
- ☐ Your subscription was pro-rated. See pg 2 of *PLN* for rates.

Your subscription to *PLN* expires on the date indicated on the mailing label on this card. Please check this label and verify that this is your correct address, and inform us if it is not.

Make-up issues are \$2.50 each and are mailed first class.

5

42



UPRIOR COURT OF CALIFORNIA
CIVIL DIVISION
330 W. BROADWAY
SAN DIEGO, CA 92101-3123
LEGAL RETURN SERVICE REQUESTED

Rec 12-28-05
DATED 8-2-05
139 DAYS LATE
LAW SUIT / STEPHEN V. STELLAR

Jimie Stephen C#56483 ✓
P. O. Box 799003
San Diego, CA 92179-9003

LEGAL
STEPHEN V. STELLAR
LAW SUIT
RECEIVED 12-28-05
DATED 8-2-05
"139" DAYS LATE
non
H. J. [unclear]
6/25/2007

P.O. BOX 13002
SAN DIEGO, CA 92179-9002

4. 1271681 508-118-05
citizens complaint

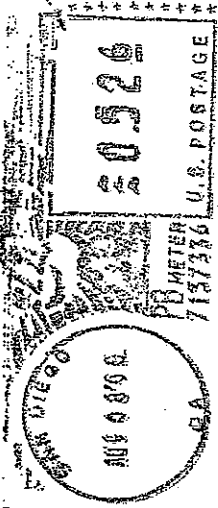
IN "INK" STAMPED WITH
"CHANGED" TO "BAG"
OF COURT
Labeled "COINCIDENTAL"
CPSID E

[illegible]

Superior Court of California
County of San Diego
COUNTY COURTHOUSE
220 WEST BROADWAY
PO BOX 120128
SAN DIEGO CA 92112-0128
DEPARTMENT 64

RETURN SERVICE
REQUESTED

RESORTED
FIRST CLASS



[Handwritten signature]

JIMMIE STEPHEN
C56483
~~RECEIVED~~
P.O. BOX 799003
SAN DIEGO, CA 92179-9003

FEIN 72-2172
MAILED 8-8-05
RECEIVED 12-21-05
133 DAYS LATE

FA0P5MA 92179

STATE OF CALIFORNIA
DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
110 WEST A STREET, SUITE 1100
P.O. BOX 85266
SAN DIEGO, CA 92186-5266

LE9m
Dated 9-1-05
Received 12-21-05
110 "Days Late"

SAN DIEGO CA 921

01 SEP 05 PM 3:11
SEP 05

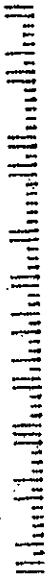
CA

160-01234

Jimmie Stephen, CDC #C-56483
R. J. Donovan Correctional Facility at Rock Mountain
P.O. Box 799003
San Diego, CA 92179-9003

F2-6-2174

92179+9003-03 E001



THE SUPREME COURT
OF THE STATE OF CALIFORNIA
350 MCALLISTER STREET
SAN FRANCISCO, CA 94102-4797

LEGAL.

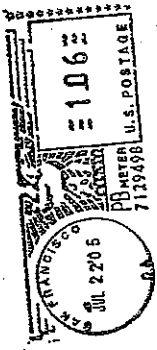
DATED 8-5-05

RECEIVED 12-21-05

"139" Days Late

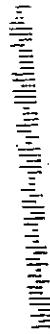


Handwritten marks and signatures at the bottom right of the page.



14-129u

S113522
JIMMIE STEPHEN C-56483
P. O. Box 799003
Richard J. Donovan Correctional Facility
480 Alita Road
San Diego, CA 92179-9003



LEGAL
RECEIVED 10-27-05
DATED 7-22-05
"96" Days LATE

THE SUPREME COURT
OF THE STATE OF CALIFORNIA
350 McALLISTER STREET
SAN FRANCISCO, CA 94102-4787

Supreme Court of California
Clerk of the Court
350 McAllister Street
San Francisco, CA 94102-4787

LEGAL
RECEIVED 10-27-05
DATED 7-22-05
"96" Days LATE

F

~~13~~

OPTOMETRIST**SEEN ON 11-27-06****INMATE/PAROLEE
APPEAL FORM**
CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. _____

1. _____

2. _____

2. _____

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
JIMMIE STEPHEN	C56483	AD-SEG	6-227-L

A. Describe Problem: ON 10-5-06 I WAS REFERRED TO SEE "OPTOMETRIST" FOR PRESCRIPTION EYEGLASSES BASED ON WILLFULLY DESTROYING OF MANDATORY READING DEVICE CALLED EYEGLASSES OF 9-29-06. LIBRARY WAS TOLD IT WOULD TAKE 2 WEEKS ITS BEEN A MONTH HAVEN'T SEEN "OPTOMETRIST". AS YOTANSEY RETRIEVED 10 YEAR OLD EYEGLASSES FROM PROPERTY ON 10-20-06. OUTDATED.

If you need more space, attach one additional sheet. ESTELLE VGAMBLE 429, US, 97 (1976)

B. Action Requested: ① ACCESS TO RIGHT TO READ AND DO LEGAL WORK WITHOUT STRAINING & HEADACHES..
② Any other relief..

Inmate/Parolee Signature: James Stephen Date Submitted: 10-31-06

C. INFORMAL LEVEL (Date Received: 11-3-06)

Staff Response: you were seen by the optometrist on 9/12/06 and are currently pending to be scheduled to see the optometrist again. Therefore your request is granted in that you will be seen by the optometrist for glasses.

Staff Signature: [Signature] Medical Appeals Analyst Date Returned to Inmate: 11-21-06

D. FORMAL LEVEL
If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono. CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

11 "Came to Segregation on 9-29-06"
SAW OPTOMETRIST 11-27-06

Signature: APPEAL DENIED 12-4-06 Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim CDC Appeal Number: _____

D

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

**INMATE/PAROLEE
APPEAL FORM**
 CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

1. RM1. 04-1553Medical

2. _____

2. _____

You may appeal any policy, action or decision which has a significant adverse effect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
JIMMIE STEPHEN	C456483	LAUNDRY	13-113 UP

A. Describe Problem: APPEALING THE FACT THAT IVE REQUESTED TO SEE "OPTOMETRIST"
FOR APPROXIMATELY "9" MONTHS HERE AT R.J. DONOVAN CORR. FACILITY WITH
OUT RESULTS..THEREFORE DEPRIVING ME ACCESS TO LIFES NECESSITIES AS FAR
AS VIEWING IS CONCERNED,AND LIFES LUXURIES OF VIEWING OR READING THINGS
IN LAW LIBRARY TO HELP ME FIGHT MY CONVICTION ECT..THEREBY FURTHER
"INJURING" PETITIONER..WITH MALICE AFORETHOUGHT..MY "EYES" HAVE GOTTEN
WORSE SINCE IVE REQUESTED TO BE SEEN TO A POINT OF NEEDING "SURGERY"AS
I PRESENTLY WEAR "BIFOCALS" AND HAVE BEEN TOLD "SURGERY WOULD BE DOWN
THE ROAD. IN MY FUTURE.

If you need more space, attach one additional sheet.

TITLE 15 ART "3350"-"3350-2"

B. Action Requested: "OUTSIDE" TREATMENT AS R.J. DONOVAN HAS NEGLECTED THIS PROBLEM
TOO LONG..AND TO VERIFY WHETHER "SURGERY" IS AN OPTION..AS CONSTANT EYE
HEADACHES,RUNNY EYES, ARE SOME OF THE SYMPTONS..AS WELL AS "BLURRED"
VISION..NEEDING IMMEDIATE ATTENTION.

Inmate/Parolee Signature: Jimmie StephenDate Submitted: 8-27-04C. INFORMAL LEVEL (Date Received: 10-3-04)

Staff Response: you must be refused by your family physician
if he or she feels that your condition warrants
an "outside" evaluation the refusal will be
prepared and scheduled.

Staff Signature: D. RangeDate Returned to Inmate: 10-5-04

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

My Problem is EVERYDAY SEEING CORRECTLY without Limitations
HERE AT R.J. DONOVAN, FOR PAST 11 MONTHS NOW ONGOING, SINCE
AROUND November 2003..AN OUTSIDE OPTOMETRIST IS ON THE SEEING
OPTOMETRIST, DOCTORS HERE, IT'S NOT MY CALL..BUT I'M REQUESTING..

Signature: Jimmie StephenDate Submitted: 10-22-04

Note: Property Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number:

CDC NUMBER C56483	NAME STEPHEN, JIMMIE, EARL	ETHNIC BLA	BIRTHDATE 07/18/1952
----------------------	-------------------------------	---------------	-------------------------

ACA STEPHENS, JIMMIE
 ACA STEPHENS, JIMMIE, EARL

TERM STARTS 04/22/1991	LIFE TERM STARTS 09/09/2001	MIN ELIGIBLE PAROLE DTE 09/09/2011
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BASE TERM 15/00 + ENHCMNTS 20/00 = TOT TERM 35/00 TO LIFE	PAROLE PERIOD LIFE
---	-----------------------

PRE-PRISON + POST SENTENCE CREDITS

CASE	P2900-5	P1203-3	P2900-1	CRC-CRED	MH-CRED	P4019	P2931	POST-SENT	TOT
A714077	674					336		11	1021

PC296 DNA COMPLETED
 NOTIFICATION REQUIRED PER P3058.6

DOC. HEARING: / DEFENSE ATTORNEY: KESSEL, A.
 INIT. HEARING: 09/2010 INVESTIGATING AGENCY: PD/LA

RECV DT/ CNT	COUNTY/ OFF-CODE	CASE DESCRIPTION	SENTENCE DATE	CREDIT CODE	OFFENSE DATE
-----------------	---------------------	---------------------	---------------	----------------	-----------------

CONTROLLING PRINCIPAL & CONSECUTIVE (INCLUDES ENHANCEMENTS/OFFENSES):

--CONTROLLING CASE --

4/22/1991	LA	A714077	4/10/1991		
		03 P667.5(B)	PPT-NV	1	
		03 P667(A)	01 PFC SERIOUS	1	
01	P187 2ND	MURDER 2ND		32	06/06/1989
		(O)WPN			
		12022.5 USE		1	

IWTIP WAIVER DATE	BEGINNING BALANCE	CREDIT APPLIED	TOTAL LOST	TOTAL RESTORED	NET TOTAL
04/22/1991	2447	2537	360	330	2507

CREDITS AUTO RE-VESTED PER PC-2934 : 5

TRAN TYPE	DATE	END DATE	LOG NUMBER	RULE NUMBER	VIOL CAT	DAYS
WCR	07/03/2007		F305410			60

***** CONTINUED *****

wcr per 1286 of 7-3-07. eprid recalled. 18

STEPHEN, JIMMIE, EARL

TRAN					RULE	D A Y S			
TYPE	DATE	END DATE	LOG	NUMBER	NUMBER	ASSESS	LOST	REST	DEAD

```
CON 02/01/1983          *****BEG BAL*****
ADD 11/19/1982          A623116
ADD 12/21/1984          A755003
ADD 04/22/1991          A714077
ADD 04/22/1991          A714077
```

CURRENT BC BALANCE: 1370

INMATE APPEAL ROUTE SLIP

To: F3

Date: October 17, 2005

From: INMATE APPEALS OFFICE

Re: Appeal Log Number RJD-3-05-01607 By Inmate STEPHEN, C56483

Please assign this appeal to appropriate staff for SECOND level response.

Appeal Issue: DISCIPLINARY

Due Date: 11/28/2005

Special Needs:

STAFF INSTRUCTIONS:

Second level appeals require a personal interview if not afforded at the first level. Begin your response with: GRANTED, DENIED, PARTIALLY GRANTED or WITHDRAWN. When complete, return to Appeals Office. Appeals that are incomplete will be returned to the responding staff for appropriate completion. Refer to D.O.M. 54100 for instructions.

J. T. Stovall

Inmate Appeals Coordinator

R.J. Donovan Correctional Facility

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PRIORITY DUCAT *1/01/07* DATE: 4/17/2007
VALID DURING HOURS OF ASSIGNMENT *211*
FAILURE TO SHOW CAN RESULT IN A CDC-115
CDC#: G-56483 Name: Stephen Room: 1119X
PASS TO: GLASSES EAST
REASON: Nurse: Medical App
TIME: 8:00 AM
Job Info / Note: A-QD DN-RM 0600-0900/1100-1300/1700-1900 Mon/Tue
>> "S" Time Given During Absence From Assignment <<

Matthew L. Cate, Inspector General



Office of the Inspector General

March 28, 2005

Jimmie Stephen, C-56483
Richard J. Donovan Correctional Facility
480 Alta Road
San Diego, CA 92179

Dear Mr. Stephen:

The Office of the Inspector General has received your correspondence postmarked February 8, 2005. In your letter, you allege inmate John Young, T-71261, was murdered by correctional staff. Additionally, you allege your property was confiscated, and you site problems with your trust account.

A limited inquiry was conducted into the homicide of inmate Young, and it was determined that an investigation is currently being conducted by another agency; therefore, it would be inappropriate for our office to intervene at this time.

As for your property and trust account issues, we determined that these issues could be more effectively addressed through a general approach rather than individually. Given the volume and complexity of the complaints we receive, it is not possible for us to fully research and respond separately to each complaint. Therefore, we attempt to focus our audit and investigative resources on issues where the greatest needs exist. We believe that in this way we can provide the greatest benefit to you and others who have been affected. We have therefore included your concerns in our computer database for further review and analysis. If we conduct an audit or investigation of the issues you raise, you may be contacted later.

Meanwhile, we encourage you to continue to try to use available administrative remedies, such as the CDC-602 inmate/parolee appeal process. If you have questions about the process or the status of your appeal, please contact your correctional counselor for advice and assistance.

Thank you for bringing your concerns to our attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Regis Lane", written over a horizontal line.

REGIS LANE
Deputy Inspector General

RL:vh:05-0011704-01



Jimmie STEPHEN C56483
A-1149
P.O. Box 8101
San Luis Obispo, (Alameda)
93409-8101

CALIFORNIA MEN'S COLONY
STATE PRISON
SAN LUIS OBISPO CA 93409



UNITED STATES POSTAGE
PITNEY BOWES
02 1M
0004247478 MAR 19 2008
\$ 01.31⁰
MAILED FROM ZIP CODE 93401

United States Postage Box
450 (Alameda) Court AL
San Francisco, (Alameda)
94102-3

9410233551 0004

